



**ZONING ADMINISTRATOR  
NOTICE OF DECISION**

**Date:** September 6, 2012  
**Applicant:** Foothills United Methodist Church  
**Case No.:** PCC-12-023  
**Address:** 861 Harold Place  
**Project Planner:** Michael W. Walker

Notice is hereby given that on September 6, 2012 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-12-023, filed by Foothills United Methodist Church ("Applicant"). The Applicant requests permission to establish a church and associated uses in an office building ("Project"). The Project site is located at 861 Harold Place ("Project Site") owned by H T R C E L P ("Property Owner"). The Project Site is zoned Business Center (BC1), by the Eastlake I Sectional Planning Area (SPA) plan, and designated Limited Industrial (IL) by the General Plan. The Project is more specifically described as follows:

The Project is a request for a CUP by Foothills United Methodist Church to establish Foundry United Methodist Church as an extension ministry for Foothills Church in two adjoining suites 103/104, with a combined floor area of 3,907sf, in a multi-tenant building. The site is developed with three separate one-story multi-tenant buildings with a variety of different uses including retail, fitness and light manufacturing. The site is also within an area where a variety of service and professional business offices, light industrial uses and a few retail uses are established. There is an existing church on the adjoining lot to the south that obtained a CUP (PCC-10-030) in 2010.

The church's intent is to offer occasional classes for bible study, counseling, spiritual growth and faith formation for small or large groups, as well as fellowship classes for youth, high school and young adults for up to 50 people, and families, held in the evenings. There will be occasional late evening programs including movie watching, potlucks and special worship services. The church also hopes to be a community space for the neighborhood and to serve local and global needs, and a gathering place for occasional art and cultural events promoting, education, physical and spiritual health by offering occasional classes. The church will use the space to hold worship services, classes, events/gatherings and office hours for staff according to the following schedule:

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00-11:00AM	Worship Services						
11:00AM-12:00PM	Fellowship						
5:00-7:00PM	Youth Group						
8:00AM-5:00PM		Office hours	Office hours	Office hours	Office hours	Office hours	
6:00-9:00PM		Classes, events, gatherings	Classes, events, gatherings	Classes, events, gatherings	Classes, events, gatherings		
8:00-11:00AM							Classes, events

The church has a current congregation of approximately 150 people. The space, when combined, has a seating capacity for up to 293 people. Pursuant to CVMC Section 19.62.050(9), the current congregation capacity requires 43 on-site parking spaces. The potential congregation size would require 84 spaces. There are 142 on-site parking spaces, which is sufficient to accommodate the church use with associated activities and the existing businesses because the will have the maximum number of people attend worship services on Sundays when most or all other businesses or closed. Furthermore, the associated activities described above, will occur in the evening when more parking is available. The CUP for the church will have an initial 5-year term approval.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) in accordance with the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030.A of the CVMC and Eastlake I SPA plan, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The Foundry United Methodist Church will provide a convenient place of choice for worship for citizens residing in Chula Vista particularly living in the Eastlake area of Chula Vista. The church will occupy an existing 3,907sf combined tenant space in an existing multi-tenant office building. The use will be conducted at a convenient and accessible location that contains the amenities necessary to support the use.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The church is compatible with the surrounding uses where there are a variety of different uses including retail, fitness clubs and light manufacturing. The site is also within an area

where a variety of service and professional business offices, light industrial uses, and a few retail uses are established. Also, there is an existing church on the adjoining lot to the south that obtained a CUP (PCC-10-030) approved by the Zoning Administrator in 2010.

The church will use the space to hold worship services and associated activities according to the following schedule:

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00-11:00AM	Worship Services						
11:00AM-12:00PM	Fellowship						
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8:00AM-5:00PM		Office hours	Office hours	Office hours	Office hours	Office hours	
6:00-9:00PM		Classes, events, gatherings	Classes, events, gatherings	Classes, events, gatherings	Classes, events, gatherings		
8:00-11:00AM							Classes, events

The church has a current congregation of approximately 150 people. The space, when combined, has a seating capacity for up to 293 people. Pursuant to CVMC Section 19.62.050(9), churches require one space per 3.5 seats in the auditorium. The current congregation capacity requires 43 on-site parking spaces. The potential congregation size would require 84 spaces. There are 142 on-site parking spaces, which is sufficient to accommodate the church use with associated activities and the existing businesses because they will have the maximum number of people attend worship services on Sundays when most or all other businesses are closed. Furthermore, the associated activities described above, will occur in the evening when more parking is available. The CUP for the church will have an initial 5-year term approval.

**3. That the use will comply with the regulations and conditions specified in the code for such use.**

The approval of this conditional use permit is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable City zoning regulations.

**4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The church is a temporary use that provides a place of worship to community. The General Plan and EastLake I SPA Plan BC-1 district recognize churches as a public-quasi use. The Zoning Ordinance identifies a church as an "Unclassified Use", which is allowed in any zone with a conditional use permit. The use is temporary as it has an initial 5-year approval, thereby not affecting the goals and objectives of the General Plan.

Approval of PCC-12-023 is conditioned upon the following conditions in Sections I, II and III:

**I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:**

- A. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Property Owner

\_\_\_\_\_  
Date

**Building Division Condition:**

1. The Applicant shall comply with the 2010 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), 2008 California Energy Code the 2010 Green Building Standards and all other locally adopted City and state requirements.

**II. The following conditions shall be satisfied prior to occupancy:**

**Land Development Division Condition:**

2. The Applicant shall obtain a building permit for required site improvements that exceed \$50,000.
3. The Applicant shall pay the applicable engineering fees.

**Fire Conditions:**

4. The building shall be addressed in accordance with the following criteria:
  - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
  - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ - inch stroke

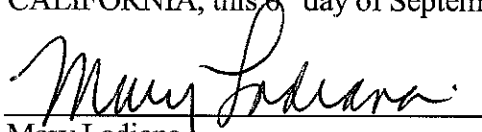
- 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
5. The Applicant shall provide one (1) 2:A-10:B:C fire extinguisher for every 75 feet of travel in any direction.

**III. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.**

6. The Applicant shall maintain the Project in accordance with the approved plans for PCC-12-023 date stamped approved on September 6, 2012, which includes a site plan and elevations on file in the Planning Division, the conditions contained herein and Title 19.
7. The Applicant shall ensure all parking for the church is on-site.
8. The Applicant shall conduct band and music activities indoors, and maintain compliance with Chapter 19.68 Performance Standards and Noise Control.
9. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 (Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
10. This Conditional Use Permit authorizes only the use specified in the application for PCC-12-023, which shall expire in five years on September 6, 2017 unless a request for extension is made to the Zoning Administrator. Any new use or modification/expansion of uses authorized under PCC-12-023 shall be subject to the review and approval of the Zoning Administrator.
11. The Applicant/Operator and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator and Property Owner shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant/Operator and Property Owner's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Applicant/Operator's successors and assigns.
12. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14.260 of the Municipal Code.
13. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

14. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this conditional use permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 6<sup>th</sup> day of September 2012.

A handwritten signature in cursive script, reading "Mary Ladiana", is written over a horizontal line.

Mary Ladiana  
Zoning Administrator